



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,658	02/05/2004	Yigang Cai	31	5579

40984 7590 07/24/2007
WERNER ULRICH
434 MAPLE STREET
GLEN ELLYN, IL 60137-3826

EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,658	Applicant(s) CAI, YIGANG	
	Examiner Brandon J. Miller	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens (US 2004/0176072 A1) in view of Sollee et al. (US 6,393,288 B1).

Regarding claim 1 Gellens teaches a method of screening a Short Message Service (SMS) or Multimedia Message (MMS) message in an SMS or MMS center (see abstract and paragraphs [0008], Sollee discloses that his system can be implemented in a MMS environment [0056])). Gellens teaches responsive to receipt of an SMS or MMS call, determining whether the sending party may attempt to deliver the message (see paragraph [0037] & [0038]). Gellens teaches responsive to determining that the sending party may attempt to deliver the message, determining in a SMS or MMS center for serving a receiving party whether a sending party of the message is willing to accept messages from the sending party (see paragraph [0045] and Fig. 6). Gellens teaches determining whether the receiving party has allowed messages having characteristics of the message to be completed to the receiving party (see paragraph [0046]). Gellens teaches wherein the step of determining whether the receiving party is willing to accept messages from the sending party comprises the step of determining whether the receiving party has screened calls from the sending party (see paragraph [0045] and Fig. 6). Gellens does not

Art Unit: 2617

specifically teach serving a calling party of a call and determining whether the calling party may attempt to complete the call. Gellens does teach serving a sending party of a message and determining whether the sending party may attempt to deliver the message (see paragraph [0037] & [0038]). Gellens also does teach that his system can be implemented in a MMS environment [0056]). Sollee teaches responsive to receiving to receipt of a call in a switching center for serving a calling party of the call, determining whether the calling party may attempt to complete the call (see col. 4, lines 25-32 & 55-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include serving a calling party of a call and determining whether the calling party may attempt to complete the call because serving a sending party of a message and determining whether the sending party may attempt to deliver the message is analogous to serving a calling party of a call and determining whether the calling party may attempt to complete the call and Gellens specifically mentions that his system can be implemented in a MMS environment (see paragraph [0056]).

Regarding claim 13 Gellens teaches an apparatus for screening a Short Message Service (SMS) or Multimedia Message (MMS) call in an SMS or MMS center (see abstract and paragraphs [0008], Sollee discloses that his system can be implemented in a MMS environment [0056])). Gellens teaches responsive to receipt of an SMS or MMS call, determining whether the sending party may attempt to deliver the message (see paragraph [0037] & [0038]). Gellens teaches responsive to determining that the sending party may attempt to deliver the message, determining in a SMS or MMS center for serving a receiving party whether a sending party of the message is willing to accept messages from the sending party (see paragraph [0045] and Fig. 6). Gellens teaches determining whether the receiving party has allowed messages having

Art Unit: 2617

characteristics of the message to be completed to the receiving party (see paragraph [0046]).

Gellens teaches wherein the step of determining whether the receiving party is willing to accept messages from the sending party comprises the step of determining whether the receiving party has screened calls from the sending party (see paragraph [0045] and Fig. 6). Gellens does not specifically teach serving a calling party of a call and determining whether the calling party may attempt to complete the call. Gellens does teach serving a sending party of a message and determining whether the sending party may attempt to deliver the message (see paragraph [0037] & [0038]). Gellens also does teach that his system can be implemented in a MMS environment [0056]). Sollee teaches responsive to receiving to receipt of a call in a switching center for serving a calling party of the call, determining whether the calling party may attempt to complete the call (see col. 4, lines 25-32 & 55-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include serving a calling party of a call and determining whether the calling party may attempt to complete the call because serving a sending party of a message and determining whether the sending party may attempt to deliver the message is analogous to serving a calling party of a call and determining whether the calling party may attempt to complete the call and Gellens specifically mentions that his system can be implemented in a MMS environment (see paragraph [0056]).

Art Unit: 2617

Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens (US 2004/0176072 A1) in view of Sollee et al. (US 6,393,288 B1) and Cast et al. (US 6,975,876 B1).

Regarding claim 2 Gellens and Sollee teach a device as recited in claim 1 except for determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party. Cast teaches determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party (see abstract, col. 40, lines 52-61 and col. 42, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 3 Gellens, Sollee, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 Gellens, Sollee, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 15 Gellens, Sollee, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens (US 2004/0176072 A1) in view of Sollee et al. (US 6,393,288 B1) and Molnar et al. (US 2002/0168978 A1).

Regarding claim 4 Gellens and Sollee teach a device as recited in claim 1 except for testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party. Molnar teaches testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party (see paragraphs [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 5 Gellens and Sollee teach a device as recited in claim 1 except for testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer. Sollee does teach responsive to receiving to receipt of a call in a switching center for serving a calling party of the call, determining whether the calling party may attempt to complete the call (see col. 4, lines 25-32 & 55-62). Molnar teaches testing whether the calling party may complete SMS or MMS calls to a roamer (see paragraph [0032]). Molnar teaches and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer (see paragraphs [0032], [0034] & [0035]). It would have been

Art Unit: 2617

obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 16 Gellens, Sollee and Molnar teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 Gellens, Sollee, and Molnar teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Claims 6, 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens (US 2004/0176072 A1) in view of Sollee et al. (US 6,393,288 B1) and Allison et al. (US 6,819,932 B2).

Regarding claim 6 Gellens and Sollee teach a device as recited in claim 1 except for testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete SMS or MMS calls. Allison teaches testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete SMS or MMS calls (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete SMS or MMS calls because this would

Art Unit: 2617

allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 8 Allison teaches testing whether the keyword, subject, title, or URL of a web page of the SMS or MMS call is on a list of call types which the called party does not wish to receive (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10).

Regarding claim 18 Gellens, Sollee, and Allison teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Claims 7, 9-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens (US 2004/0176072 A1) in view of Sollee et al. (US 6,393,288 B1) Kim et al. (US 2005/0020289 A1).

Regarding claim 7 Gellens and Sollee teach a device as recited in claim 1 except for testing whether the calling party may originate a service type of the call. Kim teaches testing whether a calling party may originate a service type of the call (see paragraph [0019]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may originate a service type of the call because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 9 Gellens, Sollee and Kim teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 10 Kim teaches testing whether a content classification of the call is one in which the called party is willing to accept (see paragraph [0019]).

Regarding claim 11 Gellens and Sollee teach a device as recited in claim 1 except for determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls. Kim teaches allowing a user to register an unsolicited phone number or word that would be used to determine which messages would be deleted (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls because a merchant can be identified by a phone number or word and this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 12 Gellens and Sollee teach a device as recited in claim 1 except for testing whether a language of the call is one in which the called party is willing to accept. Kim teaches allowing a user to register words that would be used to determine which messages would be blocked or accepted (see paragraphs [0019] & [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether a language of the call is one in which the called party is willing to accept because a specific language can be identified by words and this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 19 Gellens, Sollee, and Kim teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 20 Gellens, Sollee, and Kim teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Response to Arguments

Applicant's arguments filed 5-2/2007 have been fully considered but they are not persuasive.

Regarding claims 1 and 13 the combination of Gellens and Sollee teach a device as claimed. Gellens teaches serving a sending party of a message and determining whether the sending party may attempt to deliver the message (see paragraph [0037] & [0038]). Gellens also teaches that his system can be implemented in a MMS environment [0056]). Sollee teaches responsive to receiving to receipt of a call in a switching center for serving a calling party of the call, determining whether the calling party may attempt to complete the call (see col. 4, lines 25-32 & 55-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include serving a calling party of a call and determining whether the calling party may attempt to complete the call because serving a sending party of a message and determining whether the sending party may attempt to deliver the message is analogous to serving a calling party of a call and determining whether the calling party may attempt to complete the call and Gellens specifically mentions that his system can be implemented in a MMS environment (see paragraph [0056]).

In addition, independent claims 1 and 13 recite that the method can be one for SMS or MMS systems (see claim 1, lines 1-2)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single call

Art Unit: 2617

connection for caller to called party) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

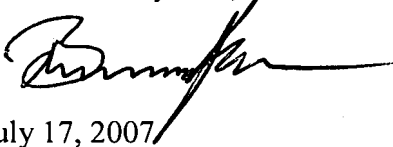
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.


Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be "George Eng", written over the date "July 17, 2007".

July 17, 2007

A handwritten signature in black ink that reads "George Eng".

GEORGE ENG
SUPERVISORY PATENT EXAMINER